

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

DAVID HERRERA,	§
	§
Plaintiff,	§
VS.	§ CIVIL ACTION NO. C-10-209
	§
TEXAS DEPARTMENT OF CRIMINAL	§
JUSTICE, <i>et al</i> ,	§
	§
Defendants.	§

**ORDER OF TRANSFER**

This is a civil rights action filed by a state prisoner pursuant to 42 U.S.C. § 1983. He is being held at the Connally Unit in Kenedy, Texas. Plaintiff alleges that correctional officers at the Briscoe Unit used excessive force against him and that prison officials and medical personnel at the Briscoe Unit also deprived him of medical care in deliberate indifference to his medical needs. (D.E. 1). Moreover, he alleges that Director Rick Thaler and the Director of the University of Texas Medical Branch were deliberately indifferent.

A civil action wherein jurisdiction is not founded solely on diversity of citizenship may be brought in (1) a judicial district where any defendant resides, if all defendants reside in the same state, or (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1331(b). In addition, for the convenience of parties and witnesses, and in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. § 1404(a).

In this case, defendants work at a state prison unit operating in Frio County, Texas, and the events of which plaintiff complains occurred in Frio County, Texas. (D.E. 1). Frio County

lies within the San Antonio Division of the Western District of Texas. 28 U.S.C. § 124(d)(2). Jurisdiction is proper with that Court. 28 U.S.C. § 1391(b).

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Western District of Texas, San Antonio Division.

SIGNED and ORDERED this 30th day of June, 2010.

  
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Janis Graham Jack  
United States District Judge